

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff,

VS.

JOSE RAMON HERNANDEZ

Defendant,

Case No.: 97-228 (PG)

MOTION TO PROCEED IN FORMA

PAUPERIS

AND

APPOINTMENT OF COUNSEL ON

APPEAL

TO THE HONORABLE COURT:

COMES NOW, JOSE RAMON HERNANDEZ, Defendant, by and through the undersigned counsel and pursuant to Federal Rule of Appellate Procedure Rule 4 , and the Criminal Justice Act 18 U.S.C §3006A files this motion for the appointment of counsel upon appeal. In support the Appellant states as follows:

1. The Court has issued a final judgment on the matter of the new trial.

2. As a matter of right the defendant has a right under Fed.R.App.P. Rule 4 to have the appeal review by a Higher Court.
3. The Appellant is incarcerated and indigent, within the meaning of 18 U.S.C § 3006A.
4. As trial counsel the undersigned counsel is prepare to represent the appellant on appeal if appointed under the Criminal Justice Act.

WHEREFORE the undersigned defendant respectfully prays to this Honorable Court to permit the defendant to proceed in forma Pauperis and for the appointment of counsel on appeal.

Respectfully submitted,

L. Lorenzo J. Palomares, Esq.

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CERTIFICATE OF SERVICE

I certify that on this day December 22, 2004 I personally file the instant pleading using the CM/ECF electronic court filing system which will send an electronic copy to Mr. Timothy Henwood, Esq. AUSA counsel for plaintiff.

S./Lorenzo J. Palomares